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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,798	03/31/2004	Richard R. Hollowbush	D4781-00060 (1121-75)	7562
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Duane Morris LLP IP Department (Harris Corp.) 505 9th Street N.W. Suite 1000 Washington, DC 20004-2166				
EXAMINER				
LEE, PING				
ART UNIT		PAPER NUMBER		
2615				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,798

Applicant(s)

HOLLOWBUSH ET AL.

Examiner

Ping Lee

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 20-25 is/are allowed.
- 6) ☒ Claim(s) 11-13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the relative channel" and "the deemed reference channel" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the relative channel" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Everett et al (hereafter Everett) (US006532024B1).

Regarding claim 11, Everett discloses a test apparatus for displaying audio parameters for a plurality of associated channels (Fig. 5), comprising:

means for providing time sampled values of signals on the plurality of channels (Fig. 4);

a mathematical processing circuit operable to provide from the sampled values at least one of an absolute amplitude value for each of at least two said channels, and relative comparisons of at least one of amplitude and phase for said at least two channels (206 and 208 in Fig. 4);

a display generator having at least one mode wherein the amplitude and phase values of the at least two channels are simultaneously graphically displayed (Fig. 5).

Regarding claim 16, Everett discloses a graphic display of signal amplitude versus a variable position along a line for each of a plurality of said channels, wherein one of the relative amplitude and the relative phase for at least the relative channel is plotted as a point along an extension of the line and the other of the relative amplitude and phase is plotted as a point lateral to the line (Fig. 5).

Regarding claim 17, Everett discloses that the lines plotting signal amplitude for each of the plurality of channels are presented in a radiating pattern relative to an origin, the lines being spaced radially from the origin by a plot wherein the relative amplitude of at least two respective relative channels is plotted as an angular deflection from a respective one of the lines, and the relative phase of each respective channel is plotted along a line parallel to said respective one of the lines.

Regarding claim 15, Everett discloses at least one mode of the display generator includes a graphic plot wherein a relative amplitude and a relative phase for at least one

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relative channel are presented in the graphic plot by points plotted for audio samples for at least the relative channel and the deemed reference channel, said graphic plot presenting a two dimensional plot wherein said relative amplitude and said relative phase are plotted along different axes (Fig. 5 is a plot shows amplitude in one axis, and phase in another axis).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everett in view of Bloom et al (hereafter Bloom) (US 20050042591A1).

Regarding claims 12 and 13, Everett fails to display a time log of contents of the storage device over time. Everett teaches a general display for video and audio information. As shown in Figs. 5 and 14, the display displays a section of data for both audio and video without specifying the time at such event. Bloom teaches another display for both audio and video information with a display that could display the time sequence of the audio information for at least one minute. Thus, it would have been obvious to one of ordinary skill in the art to modify Everett in view of Bloom by displaying a section of the audio information for at least one minute so the user can visualize the relationship between the audio and video in terms of the time sequence.

8. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradford (US 4,691,358).

Regarding claim 11, Bradford discloses a test apparatus for displaying audio parameters for a plurality of associated channels, comprising:

a mathematical processing circuit operable to provide at least one of an absolute amplitude value for each of at least two said channels, and relative comparisons of at least one of amplitude and phase for said at least two channels (by 68, 70, 62 or 88);

a display generator (12) having at least one mode wherein the amplitude and phase values of the at least two channels are simultaneously graphically displayed (Figs. 3B-3F).

Bradford fails to show that the means for providing time sampled values of signals on the plurality of channels. Bradford teaches analog circuit for providing the signal amplitude and phase. However, one skilled in the art would have expected that

the equivalent digital circuit could produce the expected result. In order to use digital circuitry, the analog input signals at the plurality of channels must be sampled first. Examiner takes Official Notice that this feature is notoriously well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to modify Bradford by replacing analog circuit with functionally equivalent digital circuit in order to provide fast and reliable result with a smaller packaging.

Regarding claim 15, Bradford shows at least one mode of the display generator includes a graphic plot wherein a relative amplitude and a relative phase for at least one relative channel are presented in the graphic plot by points plotted for audio samples for at least the relative channel and the deemed reference channel, said graphic plot presenting a two dimensional plot wherein said relative amplitude and said relative phase are plotted along different axes (Fig. 3c, 3d, 3e or 3f).

Allowable Subject Matter

9. Claims 1-10, 20-25 are allowable over the prior art in the record.
10. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. Claims 18 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ping Lee/
Primary Examiner, Art Unit 2615

pwl